

REMARKS

The Office Action mailed December 2, 2003 has been carefully considered by the undersigned attorney and the inventors. The foregoing amendment to this application is presented in response thereto.

In that Office Action, all pending claims (Claims 1-36) were rejected under 35 USC 103 as obvious over various combinations of prior art references, based on a combination of two primary references, either alone or in combination with additional references..

Several formal matters were raised in previous Office Actions, but have been successfully corrected by previous Amendments. The applicants' attorney thanks the Examiner for acceptance of new Figures 3 and 4 which were included with the previous Amendment and the correction of four instances where the Examiner had pointed out typographic errors (in the previous Office Action) which were corrected without introducing new matter. A new Abstract of the Disclosure which complied with the 250 word limit was also provided with a prior Amendment, and acceptance of that revised abstract is appreciated.

The present Office Action rejected all claims as obvious in view of a combination of teachings from a prior art patent 5,343,399 to Yokoyama et al. (the Yokoyama patent) with a prior art patent 5,422,812 to Knoll et al. (the Knoll patent), either alone (as to Claims 1-6, 11-15, 19-26, 29-33 and 36) or in combination with a prior art patent to Davis et al. (for Claims 7 and 17), with a prior art patent to Ohmura et al. (for Claims 8-10), with a prior art patent to Trovato et al. (for Claims 16 and 18) and with a prior art patent to Ong (for claims 27, 28, 34 and 35)..

Reconsideration of these rejections is respectfully requested based on the Remarks. The Yokoyama patent specifically teaches providing aural notices of driving directions (so as to allow the driver to take the correct route without watching a display, see Col. 1, lines 29-31) and Serial No. 09/676,598

without disturbing the driver, according to the teaching of this patent. The display is specifically indicated as "mounted in the instrument panel near the driver's seat" (col. 3, lines 34-36) and the text indicates that this location of the display is deliberate and intended so that any display will not disturb the driver if the driver does not look at it and that the aural information can be turned off, if desired (see Col. 1, lines 35-40). The display unit 28 is provided with a volume control as a part of the menu screen for the display unit 28 (see Col. 4, lines 55-68). Unlike the applicant's system, the display of this prior art is away from the driver's vision through the windshield.

The Knoll patent specifically teaches that the information on a heads up display be provided from routes on maps (see, for example, Abstract and Col. 6, lines 36 - 49) and does not teach or suggest that the information being displayed be from live or stored pictures. Further, the Knoll patent uses route information which has been entered onto the map and does not indicate driving directions based on the position of the vehicle..

Since the Yokoyama patent specifically teaches that the display of driving instructions is away from the driver's vision and the present invention intends to place driving directions within the driver's vision, they are fundamentally different. Further, the combination of the teachings is improper when the one reference specifically teaches to avoid the features of the present invention, namely displaying information like driving directions in view of the driver as the driver is looking out the windshield. Further, neither of the two references teaches a reason to combine the teachings of the other, and the office action merely suggests that "the reference taught by the Yokoyama reference presents an ideal platform onto which a head up display may be applied" and "The information needed to enable a display is already present to drive the display already present." Whether this is true or not, it simply does not provide a motivation to combine the references, especially when the references teach to the contrary.

The Office Action includes similar motivation to combine other references together, for example, the teachings of the Ong reference which include a camera. The Office Action merely says that the primary references, particularly Yokoyama, "present an ideal platform onto which a camera such as Ong's may be applied". However, there is nothing cited in either reference which would suggest that a camera be the source of live pictures for realistic, live pictures of the driving direction environment which is displayed on a windshield for heads up display of driving directions. Thus, it is urged that the motivation for making the combination of the present rejections is applicants' own teachings and not the teachings of any of the applied references.

The Office Action also admits that the primary references do not include certain features of the present invention, but selectively finds those features in unrelated references and selectively combines the selective teachings, for example, the indication of a desired action a predetermined time period in advance of the desired action. That is, the claims call for the system to determine when an action is to be taken based on the location of the vehicle and provide a signal at an appropriate time in order to alert the driver at about the right time, not too early so as to be forgotten and not too late to prevent a response from being taken. While it is true that the Trovato reference includes some of these features, the office action provides a reason for combining that all of the references pertain to similar subject matter (vehicle navigation systems and that the claimed combination would have been obvious to one of ordinary skill in the art in view of the "obvious advantage" of applicant's teaching.

With respect to Claims 8-10, the Examiner has agreed that the primary references do not teach or suggest that a wireless receiver receive traffic, weather or advertising information. The examiner cites another reference (the Ohmura patent) to show that a navigation apparatus can provide a driver with necessary information, but this does not suggest that such information be

presented to the driver in connection with a display on the windshield, and, in fact, the reference teaches that the operator can select such information, which implies that the operator must request the information and select the time for its presenting in some way other than as a display on his windshield.

Such use of the applicants' own teachings to find the elements in the prior art and then to assemble them into a rejection is an example of hindsight reconstruction of the invention and is impermissible.

Accordingly, it is urged that all of the claims presented in this patent application differentiate the present invention from the art of record, alone or in permitted combination. Claims have been presented which provided a display of a pictorial view of the driving directions, as for example, a live picture from a camera (or even from an overhead satellite or plane) or from a stored picture of an intersection, with the desired path marked on them. None of the references, either alone or in combination, teach providing a display based on actual pictures of the intersection (or other driving features) with driving directions marked on pictorial views of an intersection which has been displayed on the windshield to allow for a heads up display..

Accordingly, it is urged that this patent application is in condition for allowance. A notice to that effect is respectfully requested.

If applicants' attorney can assist the Examiner in getting this application in condition for allowance, a collect call to the undersigned is authorized. Given the early filing date of this application, the inventors and their assignee would like to get this application allowed and issued as quickly as possible.

If any fee is due for this paper, the Patent Office is authorized to charge Deposit Account 09-0452 in the name of International Business Machines Corporation.

Respectfully submitted,
Howard Operowsky et al.

By Kenneth A. Seaman
Kenneth A. Seaman
Reg. No. 28,113
Attorney for Applicants
IBM Corporation
219 Glen Oaks Road
Charlotte, NC 28270
(704) 365-6363